

AMENDED IN ASSEMBLY APRIL 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2760

Introduced by Assembly Member Mathis

February 19, 2016

An act to add Section 1941.7 to the Civil Code, and to amend Section 30851 of the Food and Agricultural Code, relating to support animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2760, as amended, Mathis. Landlord and tenant: support animals.

Existing law regulates the relationship between landlord and tenant and the terms and conditions of tenancies.

~~This bill would authorize a tenant to maintain a support animal, as defined, on the property if specified conditions are met. This bill would authorize a tenancy to be terminated or a tenant to be denied accommodations on the property for having a support animal if specified conditions apply. This bill would authorize the landlord to require tenants with support animals to adhere to all standards that are imposed uniformly on all tenants and to include the payment of an extra charge or security deposit for maintaining a support animal on the property. This bill would prohibit a tenant from maintaining any protected species, venomous reptiles, amphibians or insects, or any other illegal species as a support animal.~~

~~Existing law requires the owners of assistance dogs to comply with all state and local ordinances regarding health and licensure requirements.~~

~~This bill would expand that requirement by also making it applicable to support animals.~~

This bill would authorize a residential lease to require a tenant who possesses a support animal, as defined, on the rented premises or associated common areas to be subject to specified conditions, and would require a breach of these conditions, if contained in the lease, to be a breach of the lease. The bill would provide that a tenant or prospective tenant shall not be prohibited from possessing a support animal on the rented premises or associated common areas if the tenant or prospective tenant satisfies specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) That service animals are a special class of animals uniquely*
4 *deserving of protections and accommodations in law, and are*
5 *already clearly defined in California law and in federal law.*

6 *(b) That so-called “support,” “companion,” or “emotional*
7 *support” animals are not clearly defined in law, and their*
8 *appropriate use in the context of rental housing requires*
9 *clarification.*

10 *(c) That it is beneficial to supply additional guidance to both*
11 *landlords and tenants as to appropriate conditions regarding*
12 *support animals that may be included within a residential lease.*

13 *(d) That this act is intended to supply identifying criteria for*
14 *support animals and to distinguish them from service animals and*
15 *from other pets and to ensure that support animals are not barred*
16 *from a tenancy by a “no pets” policy.*

17 *SEC. 2. Section 1941.7 is added to the Civil Code, to read:*

18 *1941.7. (a) A residential lease may require a tenant who*
19 *possesses a support animal on the rented premises or associated*
20 *common areas to be subject to the following conditions:*

21 *(1) That the tenant notify, and receive approval from, the*
22 *landlord prior to bringing the support animal on the rented*
23 *premises or associated common areas.*

24 *(2) That the support animal be housebroken.*

25 *(3) That the support animal not disturb the quiet enjoyment of*
26 *the premises by other tenants or pose a threat to other tenants or*
27 *their property.*

1 (4) That the presence of the animal not jeopardize the
2 availability or price of insurance.

3 (b) If a tenant or prospective tenant satisfies the conditions
4 specified in subdivision (a), the tenant or prospective tenant shall
5 not be prohibited from possessing a support animal on the rented
6 premises or associated common areas.

7 (c) If a residential lease contains the conditions described in
8 subdivision (a), a breach of any one of the conditions constitutes
9 a breach of the lease.

10 (d) This section shall not affect either of the following:

11 (1) The amount of, or ability to pursue, a security deposit,
12 including a pet deposit, under any law.

13 (2) The ability or rights under any law to possess a service
14 animal.

15 (e) For purposes of this section, all of the following shall apply:

16 (1) “Prescribed” has the same meaning as the term
17 “prescription” as that term is defined by Section 4040 of the
18 Business and Professions Code.

19 (2) “Service animal” includes any of the following:

20 (A) A “guide dog” as defined by clause (i) of subparagraph (C)
21 of paragraph (6) of subdivision (b) of Section 54.1.

22 (B) A “signal dog” as defined by clause (ii) of subparagraph
23 (C) of paragraph (6) of subdivision (b) of Section 54.1.

24 (C) A “service dog” as defined by clause (iii) of subparagraph
25 (C) of paragraph (6) of subdivision (b) of Section 54.1.

26 (D) A “service animal” as defined by Section 113903 of the
27 Health and Safety Code.

28 (3) “Support animal” means a support dog, companion animal,
29 emotional support animal, or assistive animal that is prescribed
30 by a California licensed physician or licensed mental health
31 professional in order to treat a mental or emotional illness or
32 mental or emotional disability. A support animal does not include
33 a service animal.

34 ~~SECTION 1. Section 1941.7 is added to the Civil Code, to~~
35 ~~read:~~

36 ~~1941.7. (a) A tenant may maintain a support animal on the~~
37 ~~property if both of the following conditions are met:~~

38 ~~(1) The tenant has obtained a prescription validating the need~~
39 ~~for the support animal from a California licensed mental health~~
40 ~~care professional that may be verified by the landlord.~~

~~(2) The tenant complies with all federal, state, and local requirements, including, but not limited to, local licensing requirements and limitations on the number of animals maintained on the property.~~

~~(b) A tenancy may be terminated or a tenant may be denied accommodations on the property for having a support animal if any of the following apply:~~

~~(1) The support animal was brought on the property without notice to the landlord.~~

~~(2) The support animal is not house broken.~~

~~(3) The support animal creates a financial hardship on the real property owner.~~

~~(4) The support animal jeopardizes the availability of property insurance.~~

~~(5) The support animal poses a threat to other tenants or the property.~~

~~(c) The landlord may do both of the following:~~

~~(1) Require tenants with support animals to adhere to all standards that are imposed uniformly on all tenants.~~

~~(2) Include the payment of an extra charge or security deposit for maintaining a support animal on the property.~~

~~(d) A tenant shall not maintain any state or federally protected species, venomous reptiles, amphibians or insects, or any other illegal species as a support animal.~~

~~(e) For purposes of this section, both of the following definitions shall apply:~~

~~(1) "Prescription" has the same meaning as that term is defined in Section 4040 of Business and Professions Code.~~

~~(2) "Support animal" includes a support dog, companion animal, emotional support animal, or assistive animal. A support animal does not include a guide dog, signal dog, or service dog as defined in subparagraph (C) of paragraph (6) of subdivision (b) of Section 54.1.~~

~~SEC. 2. Section 30851 of the Food and Agricultural Code is amended to read:~~

~~30851. (a) The owners of assistance dogs and support animals shall comply with all state and local ordinances regarding health and licensure requirements.~~

1 ~~(b) For purposes of this section, “support animal” has the same~~
2 ~~meaning as that term is defined in Section 1941.7 of the Civil~~
3 ~~Code.~~

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